

MINNESOTA BOARD OF PHARMACY

SEVEN HUNDRED AND FORTY-SECOND MEETING

At approximately 8:30 a.m., December 5, 2001, the Minnesota Board of Pharmacy met in the University Room, at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance. Also in attendance was the Board's Executive Director, Mr. David Holmstrom.

After reviewing, revising, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of October 24, 2001. Ms. Betty Johnson then moved and Ms. Jean Lemberg seconded that the minutes be approved as written. The motion passed.

The first order of business, for the Board, was a review of the applications to conduct new pharmacies, which the Board has received since its last meeting. The first such application was submitted on behalf of Corner Medical Center Pharmacy, in Red Wing, Minnesota, by Mr. Marv Dyrstad, Owner, and Mr. Mark Cota, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Ms. Betty Johnson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Family Medical Clinic Pharmacy, in Minneapolis, Minnesota, by Mr. Charles Cooper, Pharmacist-in-charge. After noting that a variance relating to the security above the suspended ceiling was made part of the application, and after noting that a permanent PIC will be named for the pharmacy at a later date, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that the variance relating to the security above the suspended ceiling be approved and that the application as a whole be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed with Mr. Chuck Cooper abstaining.

The third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Sam's Pharmacy, in Maple Grove, Minnesota, by Mr. Michael McNulty, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, and after clarifying that Sam's Club Pharmacies are open to the general public, Mr. Chuck Cooper moved and Mr. Tom Dickson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure and with special attention being paid to the security of the licensed area and to the patient counseling area in the pharmacy. The motion passed.

The final application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Statscript Pharmacy, in Minneapolis, Minnesota, by Mr. Henry Blissenbach, Chief Executive Officer. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Carol Peterson moved and Ms. Jean Lemberg seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

At this time, the Board closed the meeting to the public and began a discussion of matters of a quasi-judicial nature.

The Board next turned its attention to the performance of candidates, for licensure by examination, that have completed all parts of the full Board examination process. For full Board examination candidates, the Board determined that, in grading the examinations, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination weighted at 20% of the total, the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Ms. Betty Johnson moved and Mr. Chuck Cooper seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Samuel Wagner	7984	117387-1
Samuel David Aadnes	7985	117388-4
Thu Nguyen	7987	117390-7

The Board next addressed itself to the performance of the candidates for licensure by reciprocity that have taken the Multistate Pharmacy Jurisprudence Examination for Minnesota since the Board's last meeting. After a thorough review of the performance of candidates for licensure by reciprocity, Ms. Betty Johnson moved and Mr. Chuck Cooper seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
7980	Paula Elaine Jones	ND
7981	Patrick Joseph O'Neill	IA
7982	Jacob Michael Kusmak	SD
7983	Kristin Elizabeth Davis	MI
7986	Timothy John Larson	AZ
7988	Guhan D. Chari	IN
7989	Jo Ellen Hemink	NC
7990	John Peter Boysen	WI
7991	Forrest John Young	WI

At this time, Mr. Bruce Painter, Ms. Sandy Kenzie and Mr. Ray Glaser, from Wal-Mart Corporation, appeared before the Board to provide the Board with information regarding Wal-Mart's new "Connexus" pharmacy computer system.

After receiving Mr. Painter's presentation, the Board identified four areas where Wal-Mart's new system is not in compliance with the Board's current rules. Discussion then focused on potential variances for the following areas:

- 1) The quality assurance double-checks of new prescription orders;
- 2) The requirement that hard-copy prescriptions be filed by prescription number;
- 3) The requirement that the computer copy of new prescription orders be attached to the back of hard-copy prescriptions;
- 4) The requirement for documentation of the certification of the accuracy of all prescriptions being dispensed

After a thorough discussion of these points, Mr. Painter agreed that Wal-Mart Pharmacies in Minnesota could perform the quality assurance check at the time of the first refill and that they would inform their Minnesota pharmacies to do so. Mr. Vern Kassekert then moved and Ms. Betty Johnson seconded that Wal-Mart be authorized to file prescriptions by date, rather than by prescription number, and that Wal-Mart not be required to put the computer copy of prescriptions on the back of original hard-copy prescriptions, and that the issue of certification documentation be left unresolved until Board of Pharmacy inspectors have an opportunity to look at a test system at a Minnesota Wal-Mart Pharmacy after the beginning of the year, and that Mr. Painter, Ms. Kenzie, and Mr. Glaser be invited back to further discuss the operation of Wal-Mart's new system in June of 2003. The motion passed.

At this time, Mr. Stuart Vandenberg, Pharmacy Board Surveyor, who was scheduled to provide the Board with a report on his attendance at the NASCSA meeting, indicated that in the interest of time he would provide the Board with a written summary of the meeting.

At this time, Ms. Lisa Ganske and Mr. Jim Heimer, from Fairview Pharmacy Systems, appeared before the Board to discuss Fairview's electronic-prescribing system and to discuss the issue of how electronically transmitted prescriptions for controlled substances should be handled until such time as DEA formally adopts its rules relating to electronic transmission of controlled substance prescriptions.

Ms. Ganske and Mr. Heimer indicated that currently Fairview's system of electronic prescribing generates a fax, which is sent to the pharmacy of the person's choice. At that point, the pharmacy would enter the information into the pharmacy's computer system. In the future, however, Fairview intends to develop a system that would electronically transmit prescription information directly to the pharmacy's computer. At the conclusion of the presentation by Ms. Ganske and Mr. Heimer, Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that the Board take the following position:

"If the pharmacist is comfortable in dealing with a particular physician, the pharmacist can accept electronically generated prescriptions received via fax for Schedule III, IV and V substances, as oral prescriptions; but, if the pharmacist is unfamiliar with the physician, or if they were uncomfortable with the

circumstances surrounding the transmittal of any individual prescription, the pharmacist should call the physician to verify the order.” The motion passed.

At this time, Ms. Julie Johnson, CEO of the Minnesota Pharmacists Association, appeared before the Board to discuss a legislative initiative being developed by MPhA that would modify the Pharmacy Practice Act to give pharmacists the authority to administer immunizations to adult patients. Ms. Johnson is requesting the Board’s support for this initiative. At the conclusion of Ms. Johnson’s presentation, the Board directed Mr. Holmstrom to put the issue on the Board’s agenda for further discussion at the meeting of January 9, 2002.

Mr. Holmstrom next presented to the Board a list of continuing education programs submitted to and reviewed by the Continuing Education Advisory Task Force between the dates of September 12 and November 13, 2001. After reviewing the list of programs submitted to and reviewed by the Continuing Education Advisory Task Force, Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that those programs recommended for approval be so approved and that those programs for which denial of approval was recommended be denied. The motion passed.

The Board next turned its attention to the issue of variances. The first issue relating to variances was the establishment of a committee for handling variances and the modification of the variance request form that had been developed by Board of Pharmacy surveyors. The Board first reviewed the variance request form and approved the form as it is now structured. The committee next began discussion of the establishment of a variance committee and decided that the make-up of the variance committee would be addressed at the January meeting, when committee membership on the Board’s other standing committees is determined.

The Board next turned its attention to new variance requests receiving their first reading. The first such variance request was submitted on behalf of Community Memorial Hospital Pharmacy, in Winona, Minnesota, by Mr. Grant Schuth, Pharmacist-in-charge. Mr. Schuth is requesting a variance that would allow him to temporarily be the pharmacist-in-charge at both the hospital pharmacy and the affiliated and attached Parkview Pharmacy. The current pharmacist-in-charge at Parkview Pharmacy has accepted another position and is leaving. Mr. Schuth requests the opportunity to be pharmacist-in-charge at both pharmacies until a new PIC can be hired for Parkview. Mr. Chuck Cooper then moved and Ms. Betty Johnson seconded that the Board suspend its operating policy of requiring two readings for new variance requests and act on this request immediately. The motion passed. Mr. Chuck Cooper then moved and Mr. Tom Dickson seconded that the Board approve the variance requested by Mr. Schuth for a period of time up to six months, as long as Parkview is actively recruiting a regular pharmacist-in-charge. The motion passed.

The second request for a new variance receiving its first reading was submitted on behalf of Southside Pharmacy, Model Cities Pharmacy, West Side Community Health Services Pharmacy, and North End Pharmacy, by Mr. Jim Polucha, Director of Pharmacy Services. Mr. Polucha is requesting a variance, which would exempt these pharmacies from the requirement that pharmacies compound prescriptions when necessary. Mr. Polucha is requesting the exemption due to the small size and limited clientele of these pharmacies.

Mr. Vern Kassekert then moved and Mr. Chuck Cooper seconded that the Board suspend its requirement for two readings for new variance requests and act on this request immediately. The motion passed. Mr. Vern Kassekert then moved and Ms. Jean Lemberg seconded that the variance requested by Mr. Polucha be approved for a one-year period of time. The motion passed.

The next request for a new variance receiving its first reading was submitted on behalf of First Care Medical Services, in Fosston, Minnesota, by Mr. John Nord, Pharmacist-in-charge. Mr. Nord is requesting a variance, which would designate the director of nursing and the senior unit manager at First Care Medical Services to be registered as pharmacy technicians and to perform certain duties in the pharmacy at times when the pharmacist is not present and on duty.

In adhering to its policy requiring two readings for new variance requests, the Board took this request into consideration and will give it its second reading at the Board's meeting of January 9, 2002. In the meantime, Mr. Holmstrom was directed to attempt to obtain additional information from Pharmacist Nord regarding the hours that pharmacist coverage is available at the hospital pharmacy.

At this time, the Board turned its attention to new variance requests receiving their second reading. The first such request involved a request for approval of a telepharmacy dispensing system located at the Fairview Northland Clinic, in Princeton, Minnesota, and connected to the pharmacy at Fairview Southdale Hospital, in Edina. At this time, Mr. Bill Schommer and Mr. Robert Beecher, both from Fairview Pharmacy Services, appeared before the Board to address the issue and answer questions.

The telepharmacy project is proposed for operation from 9:00 p.m. until midnight, Monday through Friday, and from noon until 10:00 p.m., on Saturday and Sunday. Several of the existing pharmacies in Princeton provided input to the Board on the effect approval of the telepharmacy proposal would have on their business. All of the pharmacies supported the Monday through Friday operation of the telepharmacy project, but the Saturday and Sunday hours drew less support.

Mr. Schommer and Mr. Beecher indicated that each patient seen in the Urgent Care Clinic receives a written prescription. It is then up to the patient whether they want to take that written prescription to a local pharmacy or have the prescription faxed to Fairview Southdale Hospital Pharmacy by staff at the Urgent Care Clinic thereby initiating the telepharmacy system.

After thoroughly discussing this issue with Mr. Schommer and Mr. Beecher, and after reviewing the written comments provided by pharmacists in the Princeton area, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the telepharmacy proposal be approved. The motion passed.

The next request for a new variance receiving its second reading was submitted on behalf of West Side Community Health Services Pharmacy, by Mr. Jim Polucha, Director. Mr. Polucha is requesting a variance that would allow sample medications at the West Side Community Health Services Clinic to be stored in and dispensed from the pharmacy. After, again, reviewing the policies and procedures established by Mr. Polucha for the regulation of sample drugs at the

clinic, Mr. Chuck Cooper moved and Mr. Vern Kassekert seconded that the variance requested by Mr. Polucha be approved for a one-year period of time. The motion passed.

At this time, Mr. Mark Keffeler, President and CEO of Opus Unit Dose Systems, and Ms. Wendy Jensen, from Opus, Mr. Dan Koski, a St. Paul pharmacist utilizing Opus, and Mr. Robert Stitch, attorney for Opus, appeared before the Board to discuss the features of the Opus Unit Dose System as it relates to moisture permeability and tamper evidence.

After thoroughly discussing the Opus System, and the policy and procedures followed by pharmacists who use the Opus System, Mr. Chuck Cooper moved and Mr. Vern Kassekert seconded that the Board continue to accept the Opus System for return of medications from nursing homes and that the return of medications can be approved by the Board without requiring each individual pharmacist using the Opus System to conduct moisture permeability tests on the packaging. The motion passed with Ms. Jean Lemberg abstaining.

The Board next began discussion of requests for extensions of previously granted variances. The first request for an extension of a previously granted variance was submitted on behalf of Red Wing Corner Drug, in Red Wing, Minnesota, by Mr. Bob Goetz, Pharmacist-in-charge. Mr. Goetz is requesting an extension of a variance, which allows nurses, employed by Red Wing Corner Drug as pharmacy technicians, to take new prescription orders over the telephone. Red Wing Corner Drug has been using nurse/technicians to receive new prescription orders since 1993 and reports that no errors have been attributable to this policy in the eight years that it has been in place. After discussing this extension request, the Board deferred final action on the request and directed Mr. Holmstrom to obtain more information from Mr. Goetz.

The second request for an extension of a previously granted variance was submitted on behalf of St. John's Hospital Pharmacy, in Maplewood, Minnesota, by Ms. Linda Benson, Pharmacist-in-charge. Ms. Benson is requesting the continuation of a variance, which allows HealthEast Diabetes Care nurses to dispense legend and non-legend insulin samples in the course of their training of newly diagnosed diabetic patients. After discussing this request for an extension, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the previously granted variance be extended for an additional one-year period of time. The motion passed.

The third request for an extension of a previously granted variance was submitted on behalf of Lakeview Hospital Pharmacy, in Stillwater, Minnesota, by Ms. Cynthia Appleseth, Pharmacist-in-charge. Ms. Appleseth is requesting an extension of a variance, which allows the pharmacy to furnish portable containers of medications to hospice and home care nurses, which contain controlled substance drugs.

After discussing this request for an extension, Ms. Jean Lemberg moved and Mr. Vern Kassekert seconded that the previously granted variance be extended for an additional one-year period of time. The motion passed.

The final request for an extension of a previously granted variance also requests a modification of the variance. This request is submitted on behalf of Mille Lacs Health System Pharmacy, in Onamia, Minnesota, by Mr. Greg Steffenson, Pharmacist-in-charge. Mille Lacs Health System Pharmacy had been previously granted a variance that allowed nurses at the facility to prepare medications for administration in the pharmacy during hours that a pharmacist

was not present and on duty, but which were checked by a local pharmacist before being transported to the floors for administration to the patients. Mille Lacs is now in the process of hiring a pharmacist who is not yet licensed to practice in Minnesota and Mr. Steffenson is requesting that the pharmacist be allowed to act as a pharmacy technician in setting up doses of medication and to have those doses checked by a Minnesota licensed pharmacist before being released for administration to the patient. Mr. Vern Kassekert then moved and Ms. Betty Johnson seconded that the Board approve the proposal by Mr. Steffenson for the use of the California-licensed pharmacist in the manner proposed through the end of January of 2002. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Canadian-pharmacist Sheila Lightly. Ms. Lightly is requesting Board approval for her practical experience as a pharmacist intern and as a pharmacist in Canada for purposes of meeting the Board's 1500-hour internship requirement. Ms. Lightly then hopes to qualify to sit for the Board examination in Minnesota. After reviewing the practical experience obtained by Ms. Lightly, Mr. Vern Kassekert moved and Ms. Carol Peterson seconded that the Board accept these hours as fully meeting the Board's 1500-hour internship requirement. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Canadian-pharmacist Natalie McLeish. Ms. McLeish is requesting Board approval for her practical experience as a pharmacist intern and as a pharmacist in Canada for purposes of meeting the Board's 1500-hour internship requirement. Ms. McLeish then hopes to qualify to sit for the Board examination in Minnesota. After reviewing the practical experience obtained by Ms. McLeish, Mr. Vern Kassekert moved and Ms. Carol Peterson seconded that the Board accept these hours as fully meeting the Board's 1500-hour internship requirement. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Canadian-pharmacist David McLeish. Mr. McLeish is requesting Board approval for his practical experience as a pharmacist intern and as a pharmacist in Canada for purposes of meeting the Board's 1500-hour internship requirement. Mr. McLeish then hopes to qualify to sit for the Board examination in Minnesota. After reviewing the practical experience obtained by Mr. McLeish, Mr. Vern Kassekert moved and Ms. Carol Peterson seconded that the Board accept these hours as fully meeting the Board's 1500-hour internship requirement. The motion passed.

Mr. Holmstrom next presented to the Board an e-mail message from Ms. Judith Andersen regarding the labeling and cleaning of various medical inhalers. After a brief discussion of the points raised by Ms. Andersen, the issue was tabled until the January meeting.

Mr. Holmstrom next provided the Board with an update on the rule-making process and the current status of the Board's package of proposed rule changes.

Mr. Holmstrom next reminded the Board that they had discussed the possibility of establishing a veterinary pharmacy ad hoc task force to look at the issue of licensure for veterinary retailers. After a brief discussion, the Board determined that the make-up of a veterinary pharmacy task force should be deferred to the January meeting, when membership on all of the Board's committees and task forces is considered.

Mr. Holmstrom next requested that the Board consider what is acceptable in the way of a patient-counseling area in Minnesota pharmacies that provides an assurance of privacy for the pharmacist-patient conversations. The Board suggested that the first step in addressing this issue could be associated with applications to conduct new pharmacies and directed Mr. Holmstrom to request that the pharmacist-in-charge of each new pharmacy be requested to describe the patient-counseling area and the policies and procedures of the new pharmacy relating to patient counseling and submit that information to the Board with the pharmacy's application for licensure.

Mr. Holmstrom next provided the Board with an e-mail from Mr. Douglas Hynek regarding the reinstatement of his license to practice pharmacy in Minnesota. The Board directed Mr. Holmstrom to inform Mr. Hynek that his Minnesota license could be reinstated upon completion of the five conditions for reinstatement generally applicable to those pharmacists who have not continued in active practice outside of Minnesota, and whose licenses have lapsed for longer than two years.

Mr. Holmstrom next presented the Board with information from the National Association of Boards of Pharmacy regarding the partial participation by the state of Florida in NABP's licensure transfer program. NABP has announced that Florida will now accept pharmacists from other states for licensure in Florida if that pharmacist has obtained a passing score on the NAPLEX Examination, not more than twelve years prior to their application for licensure in Florida. NABP is now asking for input from the various states as to whether, given the restrictions on license transfer imposed by Florida, licensed pharmacists from Florida would be accepted for licensure through the licensure transfer program. After a brief discussion of the issues, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that Minnesota will not accept Florida pharmacists for licensure in Minnesota through the licensure transfer program until Florida removes the conditions of acceptance for Minnesota-licensed pharmacists seeking licensure in Florida. The motion passed.

There being no further business to come before the Board at this time, President Benson adjourned the meeting at approximately 4:00 p.m.

PRESIDENT

EXECUTIVE DIRECTOR